



TRINIDAD AND TOBAGO

PERMANENT MISSION OF TRINIDAD AND TOBAGO TO THE UNITED NATIONS
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STATEMENT

by

The Honourable Dr. Surujrattan Rambachan
Minister of Foreign Affairs and Communications

of the

Republic of Trinidad and Tobago

in the

General Debate of the
Sixty-sixth session of the United Nations

General Assembly



United Nations Headquarters, New York,
September 26, 2011

Mr. President,

I congratulate you on your election to preside over the Sixty-sixth session of the United Nations General Assembly (“the General Assembly”) and I also extend the best wishes of the Honourable Prime Minister of Trinidad and Tobago, Mrs. Kamla Persad-Bissessar, on whose behalf I address this august Assembly. May I also welcome South Sudan as the most recent member of the United Nations.

More than six decades ago the United Nations was established to, among other things, save succeeding generations from the scourge of war; promote social progress and better standards of life in larger freedom; and, to employ international machinery for the promotion of the economic and social advancement of all peoples.

Notwithstanding instances of conflicts which have threatened to reverse gains achieved since 1945, the United Nations, with the support of Member States has achieved some success in maintaining international peace and security. An important ingredient fuelling this success is the promotion by the United Nations of the principle of the settlement of disputes through pacific or peaceful means.

Mr. President, the Government of Trinidad and Tobago is very supportive of your choice of the theme for this debate: “*the role of mediation in the settlement of disputes by peaceful means*”. It provides, in our view, an opportunity for members of the international community to reaffirm their commitment to this important principle enshrined not only in the Charter of the United Nations (“the Charter”), but also widely accepted as forming part of customary international law.

The Charter is the primary legal instrument governing the conduct of the international relations among States. Article 33 of the Charter imposes a binding legal obligation on parties to disputes to settle them, first of all through peaceful means. Under Chapter VII, the Security Council is also required, as a first resort, to use peaceful means to resolve disputes which pose a threat to peace, breaches of the peace and acts of aggression.

We meet at a time when peoples everywhere are seeking more direct roles in the governance of their societies; when they are not prepared to be silent spectators to their plight; when ordinary law abiding citizens are prepared to die for the cause of freedom from tyranny and for democracy; when leadership that is anything less than democratic is unacceptable; when social media has united the peoples of the world into a global community with one aspiration, the dignity of the human person; when the hunger of the souls of peoples of many nations for democracy cannot be appeased by false promises of a distant utopia.

Above all we are witnessing levels of youth alienation and restlessness that challenge leaders to bridge the gap between old cultures and traditions of governance with new aspirations. There will be no future that is peaceful unless youth cynicism is addressed. Developments in the Middle East and in North Africa reveal a growing dissonance among the masses of people globally with regimes that tread on fundamental freedoms consistent with democracy and do not allow for participation in governance. In a world linked by social media, the risk of a peoples’ uprising that transcends continents and borders is real. It is a kind of social chaos which we must

prevent. If we do not, the gains we have made would be lost and a form of anarchy could be set in motion.

What are the reasons for all of this? They have to do with the perception of denial which people feel exists. This denial is political in nature in terms of shared governance; it is also material in nature due to the way people feel about how resources are being allocated in their countries; it is also spiritual in nature because of the general emptiness which people feel with respect to the realization of their human potential. Politically, the age of totalitarianism and anti-democratic leadership styles is over. With respect to the use of a country's material resources, people wish to see a more equitable distribution and the application of resources in ways that improve their basic standards of living. The ability to eat even a single meal, to receive basic health care, education, affordable public transport and housing are at the top of the list of peoples' priorities.

The world must now more than ever allocate its resources equitably, ethically, sustainably and transparently.

While we at the UN generally talk about mediation as settling differences among nations, perhaps the real mediation has to be between generations. Leaders must now adopt styles of leadership, which embrace actively listening to the views of those governed. Leaders must develop approaches which are consensus building and promote participation as people now demand a greater say in how their futures are to be shaped. They want to author that future and not be dictated to. The defeat of economic and social demons will only come about when there is unity of purpose, nationally and globally, a reality that is only possible when the energies of all stakeholders are harnessed around a common vision.

A common vision cannot be fostered when conflicts whether internal or external are allowed to fester. This results in the further alienation of people who very often resort to violence and socially disruptive behaviors to solve disputes.

Mr. President

Trinidad and Tobago has always advocated for the settlement of disputes by peaceful means. This is based on our support for an international order founded on respect for the rule of law. In this regard, we hold as sacred, the territorial sovereignty of states and the inalienable human rights and fundamental freedoms of individuals. Additionally, we view the promotion of justice as being indispensable to the maintenance of peace and security both at the national, regional and global levels. Nonetheless, all of these objectives would not be attainable, if there are no systems which encourage member states to settle disputes peacefully. This is why we have always been vociferous in our support of the work of the International Criminal Court and other tribunals established to promote peace through the dispensing of justice.

We rely heavily on the exploration and exploitation of the living and mineral resources of the maritime zones within our national jurisdiction for the economic development of our country. In achieving this objective, we have had to delimit our maritime boundaries with neighboring coastal states in accordance with the relevant provisions of the *1982 United Nations Convention*

on the Law of the Sea (“the Convention”) and other applicable rules of international law. This has been done by peaceful means either through diplomatic negotiations or by arbitration pursuant to the provisions of Annex VII of the Convention.

Trinidad and Tobago recognizes the importance of the need for the settlement of disputes by peaceful means. Consequently, we have become parties to several conventions for settling commercial and investments disputes. These have been given the force of law in our jurisdiction. For example, the 1996 *Arbitration (Foreign Arbitral Awards) Act* gives effect to Trinidad and Tobago’s obligations under the 1958 *Convention on the Recognition and Enforcement of Foreign Arbitral Awards-the “New York” Convention*. Additionally, as a State Party to the *Convention on the settlement of Investment Disputes between States and Nationals of Other States (“the ICSID Convention”)*, we also recognize that like States, foreign nationals who invest in Trinidad and Tobago must be in a position to avail themselves of the conciliation and arbitration services provided by ICSID which is an impartial international forum to resolve potential investment disputes which may arise with Trinidad and Tobago. These treaties not only provide the requisite comfort for investors who are assured that any dispute which may arise would be settled through an objective process, but they also serve as incentives for would-be investors to do business in Trinidad and Tobago.

Mr. President

We also support the position adopted by the International Court of Justice and the International Law Commission that all Member States are bound “*to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations*”. It is for these reasons that we have always upheld the position that border disputes in our region or in any other part of the globe should be settled peacefully. It will be recalled that as far back as 1970, Trinidad and Tobago through the use of the good offices of former Prime Minister, the late Dr. Eric Williams facilitated the conclusion of the Protocol of Port-of Spain whereby Guyana and Venezuela agreed to a twelve year moratorium on their border controversy. Since then, Trinidad and Tobago has supported other initiatives mounted by the Caribbean Community, the Organization of American States and the United Nations aimed at resolving this dispute by peaceful means. In our region as well, we have also encouraged the use of good offices and mediation to resolve the border dispute between Belize and Guatemala as well as internal disputes in Haiti. Our support for these regional initiatives is in keeping with the provisions of Article 52 of the Charter which envisions a role for regional organizations in the pacific settlement of disputes.

Further afield we have always advocated that the Middle East conflict should be settled peacefully. Trinidad and Tobago supports the quest of the Palestinians to have a state of their own with secure borders alongside the state of Israel whose borders must also be secure and free from terrorist attacks. The UN must continue to show leadership and work with the Arab League and other entities to resolve this decades-old conflict between Israel and Palestine so that there could be lasting peace in that region. For far too long, we have witnessed the horrendous loss of life and destruction of infrastructure which have erased the hopes and prospects of many young people for a bright future in the place of their birth.

Mr. President

The efforts of States at the national or regional levels for the settlement of disputes emphasize their primary responsibility under the Charter to settle disputes peacefully. These are supplementary to and reinforcing of the role of the United Nations as mandated under the Charter. Trinidad and Tobago therefore welcomes the renewed emphasis placed by the UN on mediation and other means for the peaceful settlement of disputes as demonstrated in the Report of the Secretary-General of April 2009, as well as the adoption by the General Assembly of Resolution 65/283 on 22nd June of this year, entitled: “*strengthening the role of mediation in peaceful settlement of disputes, conflict prevention and resolution*” (“*the Resolution*”).

Mr. President

During her contribution to the general debate last year, the Honourable Kamla Persad-Bissessar, Prime Minister of Trinidad and Tobago, took the political initiative to call on the General Assembly to adopt a resolution on, “*Women, disarmament, non-proliferation and arms control*”. That resolution was eventually adopted by the General Assembly and it calls on States to “*promote the equitable representation of women in all decision-making processes with regard to matters related to disarmament, non-proliferation and arms control*”.

One year later, the United Nations continues to make strides in placing women at the centre of all of its activities. This is demonstrated, for example, with the establishment of UN Women. Consistent with this action, Trinidad and Tobago applauds the decision taken by Member States, in resolution 65/283 which recognizes “*the importance of full and effective participation of women at all levels, at all stages, and in all aspects of peaceful settlement of disputes, conflict prevention and resolution, as well as the need to address the lack of women as Chief or Lead peace mediators*”.

Mr. President

Women are among the most vulnerable during conflicts whether internal or otherwise, and hence, must be involved in all vehicles relating to the settlement of disputes and conflict prevention. The absence of women in the process could result in the development of peace agreements which are not comprehensive in scope and which may not address those issues which affected women during the period of conflict and which continue thereafter.

The inclusion of women in the peaceful settlement of disputes and conflict prevention is related to their involvement in the political process. The Honourable Prime Minister of Trinidad and Tobago, continues to demonstrate her commitment to the participation of women in government in meaningful ways, both nationally and internationally. Her advocacy on this issue resulted in the hosting in Trinidad and Tobago of regional seminars to promote this democratic cause. Bearing in mind the significance of this subject, Prime Minister Persad-Bissessar together with other States, UNDP and UN-Women, successfully co-hosted a **High- Level Colloquium on Women’s Political Participation** last Monday in the margins of the General Assembly. Mr. President, it was gratifying to see a room overflowing with mainly women from all over the world

championing the common cause of gender equality. This event clearly demonstrated that the smallness of a country is not a deterrent to the realization of big dreams and the fulfillment of wholesome ideals in the pursuit of human development. As part of the Colloquium, the Prime Minister of Trinidad and Tobago was among those leaders who signed a Declaration on advancing women's political participation. It is our hope that the outcome of this event would influence greater global consciousness and discussions on the participation of women in government and the advancement of democracy globally. In keeping with the objective of this seminar, Trinidad and Tobago calls on Member States to implement the provisions of resolution 65/283 on the inclusion of women as mediators in the peaceful settlement of disputes and conflict prevention. At the same time, we would also welcome greater efforts to recruit lead mediators from developing countries, particularly, small island developing states consistent with the principle of equitable geographic distribution in the recruitment of United Nations personnel.

Like women, our young people are also very susceptible to the negative effects of strife and must be protected. A number of cases before the ICC show that the perpetrators are on trial or under investigation for committing war crimes because they conscripted or enlisted children under the age of fifteen into their national armed forces or used them to participate actively in hostilities. In addition to bringing the accused to justice, we support all mechanisms aimed at rehabilitating those young people who survived the conflicts so that they could advance and reach their fullest potential and contribute to the development of their societies. This could be achieved if they are able to enjoy basic human rights. As a result, we call on States that are in a position to do so, to contribute to UNICEF, the ICRC and the Victims Trust Fund of the ICC which assist in the rehabilitation of children and other victims of armed conflict.

Mr. President

Trinidad and Tobago endorses a number of the other elements contained in resolution 65/283 relating to the strengthening of the position of the United Nations in assisting States to develop their capacity to employ mediation and other peaceful means to resolve disputes. While the adoption of the resolution is laudable, it is only a means to an end. Member States must ensure that all aspects of the resolution are implemented fully. In this regard, Trinidad and Tobago wishes to underscore the importance of the provision of adequate resources to the Department of Political Affairs and its Mediation Support Unit. Without the required resources, the Secretary-General would not be able to effectively use his good offices and other mediation capacities to help resolve existing and future disputes.

Mr. President

The escalation of armed conflict and armed violence is fuelled by several factors. One component is the illegal proliferation of conventional arms, including small arms and light weapons which have been diverted from the legal market to the illicit trade. The United Nations in keeping with obligations under the Charter to promote and maintain international peace and security, has recognized the impact of the illegal trade in conventional arms on the peace and security of countries and regions and has adopted several resolutions, and implemented different programmes to address this matter.

For us, the most ambitious measure undertaken so far is the decision to convene a conference in July next year to negotiate the text of an Arms Trade Treaty (“ATT”). Trinidad and Tobago and its CARICOM partners have been very active in the deliberations of meetings of the Preparatory Committee examining possible elements for inclusion in the ATT. As we approach the 2012 conference, and begin to reflect on items to be included in the agreement, considerable care must also be taken to ensure that there are adequate provisions for the settlement of disputes which may arise among future States Parties on the interpretation and application of the provisions of the ATT.

Mr. President

The absence of peaceful means to resolve conflicts has led to genocide, war crimes, and other pernicious misdeeds of concern to the international community. In many instances, these have stymied economic growth and social progress. They have also limited the capacity of many States in conflict, especially those from the developing world to achieve the Millennium Development Goals (“MDGs”). We must save current and future generations from the plague of war brought about by intolerance; xenophobia; border disputes; and disagreements over the allocation of resources. Through universal preschool education, human values, including the appreciation of the value of peace, can be instilled.

Additionally, the UN and other inter-governmental organizations must address the impatience and restlessness of today’s young people who are fed up with the misallocation of resources and the lack of both transparency and peoples’ involvement in the processes of governance. Their desires to reshape the world to reflect greater participation, empathy and democratic principles; ought not to be ignored by leaders. We are convinced that these aspirations will be achieved if mediation and other peaceful means of solving disputes, among other strategies, are adopted. Trinidad and Tobago remains committed to working with regional partners, the UN and other actors to promote global peace. We must strengthen our capacity to use mediation, complemented by the introduction of new approaches to governance, like greater participation of women and a desire to build consensus.

We believe that unless leaders listen more and talk less, unless we employ mediation to resolve disputes, unless we incorporate our disenfranchised women in governance, unless we listen to the real message of today for greater participation in governance, unless we realize that mankind has common challenges as it addresses issues like climate change, then the world would have missed a golden opportunity to advance the cause of humanity and promote global peace.

Let us endeavour to resolve our common global challenges for to do otherwise will be to fail succeeding generations of mankind, for which we will never be forgiven nor forgotten.

I thank you.